

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WARDELL L. TYREE,	:	CIVIL ACTION NO. 1:07-CV-0008
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
FEDERAL BUREAU OF PRISONS,	:	
et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 11th day of April, 2007, upon consideration of the report of the magistrate judge (Doc. 7), recommending that plaintiff's motion to proceed *in forma pauperis* be granted and that plaintiff's petition for writ of mandamus pursuant to 28 U.S.C. § 1361 be dismissed, to which plaintiff has filed objections (Doc. 8), and, following an independent review of the record, it appearing that petitioner has adequate alternative means for obtaining the relief requested, see Glenmede Trust Co. v. Thompson, 56 F.3d 476, 482 (3d Cir. 1995) (requiring petitioner to establish, *inter alia*, that he or she "has no other adequate means to attain the desired relief" before a writ of mandamus may issue), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 7) is ADOPTED.
2. The motion to proceed *in forma pauperis* (Doc. 4) is GRANTED.
3. The petition for writ of mandamus (Doc. 1) is DISMISSED.

4. Leave to amend is DENIED as futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002).
5. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).
6. The Clerk of the Court is directed to CLOSE the above-captioned case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge